

Abstract

The thesis deals with the theme of Pre-emptive Right focuses on private law legislation. In the last years more than ever, there is more attention payed to Pre-emptive Right legislation. The main core of this is statutory Pre-emptive Right of co-owners to co-ownership share, because of frequent and substantial changes in legislation.

The thesis deals with the theme of Pre-emptive Right in its entire scope and deals with the general Pre-emptive Right legislation applicable to statutory and contractual Pre-emptive Right. The purpose of the thesis is to process the comprehensive topic of Pre-emptive Right according to the positive law. Part of the text is a comparison of current legislation with legislation contained in the previous Civil Code. Thesis also compares current legislation with German legislation and marginally with legislation contained in the General Civil Code.

Introductory parts of the thesis include a basic characteristics of the institute of Pre-emptive Right in the theoretical legal level and a brief description of the development of Pre-emptive Right. Then there are selected questions of current legislation applicable into all types of Pre-emptive Right. The most extensive part of the thesis describes individual types of Pre-emptive Right, it is Pre-emptive Right in personam and in rem and statutory and contractual Pre-emptive Right. Each type of Pre-emptive Right is characterized in detail, possibly described its individual subgroups. Significant part of the text also deals with questions connected with establishing and with termination of Pre-emptive Right and especially with its realization. Further on, the thesis analyzes consequences of infringements of Pre-emptive Rights and possibility of legal defense. Finally, the thesis deals with the summary of impact of current legislation of Pre-emptive Right and considerations from the point of *de lege ferenda*.